



PUBLIC NOTICE

**Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554**

News media information 202 / 418-5000
Fax-On-Demand 202 / 418-2830
Internet <http://www.fcc.gov>
[ftp.fcc.gov](ftp://ftp.fcc.gov)

DA-03-3158

**Before the
Federal Communications Commission
Washington, D.C. 20554**

PUBLIC NOTICE

Released: October 14, 2003

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information.

Callais Cablevision, LLC – Request for waiver of late payment penalties associated with the Fiscal Year 2002 regulatory fees **Denied** (July 14, 2003) [See 47 CFR paragraph 1.1157 see also Assessment and Collection of Regulatory Fee for Fiscal Year 2002, Report and Order, 17 FCC Rcd 13,203, 47 U.S.C. paragraph 159]

Champlin Broadcasting, Inc. – Request for waiver of the Fiscal Year 2002 regulatory fees for KMMZ Emd, **OK Denied** (April 4, 2003)

Classic Communications, Inc. – Request for waiver and refund of certain application fees paid in connection with the pro forma assignment of wireless licenses. **Granted** (June 27, 2003) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 5 FCC Rcd 3558, 3572-73 (1990), see also Mobile Media Corporation, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee)]

CTS Telecom, Inc. - Request for fee determination of Fiscal Year 2001 regulatory fees for FCC Form 499-A filer ID number 801850 **Granted** (June 16, 2003)

Desert 31 Television, Inc. Supplemental information concerning a previous request for waiver of the Fiscal Year 2001 regulatory fee **Granted** (June 2, 2003) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon granted, 10 FCC Rcd 12759 (1995)]

EOTT Energy Operating Partnership and EOTT Energy Pipeline Limited Partnership – Request for waiver and refund of application filing fees **Granted** (June 2, 2003) [See 47 CFR paragraph 1.1117 see also See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 5 FCC Rcd 3558, 3572-73 (1990)]

Gospel Broadcasting Corporation - Request for determination as to whether or not Gospel owes the Fiscal Year 2001 regulatory fee for station WYZD-AM Dobson, NC **Answered** (July 14, 2003) [See Assessment and Collection of Regulatory Fee for Fiscal Year 201, Report and Order, 16 FCC Rcd 13,525, 13,536 paragraph 37 (2001)]

Jackson Radio, LLC / New Hampshire Public Radio, Inc. Request for a refund of Fiscal Year 2002 regulatory fees paid for WEVJ (AM) Jackson, NH **Denied** (June 12, 2003)

KaStarCom World Satellite, LLC- Request for fee determination and deferral of application processing fees **Denied** (June 2, 2003)

Kidd Communications - Request for waiver of Fiscal Year 2000 regulatory fee and late charge penalty **Granted** (June 2, 2003)

Loral Space & Communications, Ltd. - Request for partial refund of an application filing fee paid to extend the construction completion and launch milestones for a Telstar 9 satellite. **Granted** (June 25, 2003) [See Memorandum Opinion and Order Establishment of a fee collection program to implement the provisions of the omnibus budget reconciliation act of 1989, FCC 90-63, 5 FCC Rcd 3558, 3633 (1990) see also Report and Order In Re Streamlining the Commission's rules and regulations for satellite application and licensing procedures, FCC 96-425, 11 FCC Rcd. 21,581 (1996)]

Northeast Radio, Inc. - Request for waiver and refund of the Fiscal Year 2002 regulatory fee and late payment penalty assessed to WCAP-AM **Granted** (July 14, 2003) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon granted, 10 FCC Rcd 12759 (1995)]

ORBCOMM LLC and ORBCOMM License Corp. Request for waiver and deferral of extension of construction authorization application fee **Denied** (June 12, 2003) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5344 at paragraph 29 (1994)]

Pittman Broadcasting Services, Inc. - Request for waiver of the Fiscal Year 2002 regulatory fees for WFCG AM Franklinton, LA **Granted** (May 15, 2003)

Runnels Broadcasting System, LLC - Request for waiver and refund of a filing fee KNFT-FM **Granted** (April 4, 2003) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990) see also Mobile Media Corporation, 14 FCC Rcd 8017, 8027 (1999)]

Runnels Broadcasting System, LLC - Request for waiver and refund of a filing fee KPSA **Granted** (April 4, 2003) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990) se also Mobile Media Corporation, 14 FCC Rcd 8017, 8027 (1999)]

Spencer Broadcasting, LP - Request for waiver or reduction of the Fiscal Year 2002 and 2001 regulatory fees for KGHO AM Olympia, WA **Granted for 2002 and Denied for 2001** (May 15, 2003) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2002, Report and Order, 17 FCC Rcd 16177 (2002)]

United Air Lines, Inc. - Request for a waiver and deferral of the filing fee in connection with the assignment of licenses from United Air Lines, Inc. to United DIP. **Granted** (June 12, 2003) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 5 FCC Rcd 3558, 3572-73 (1990) See also Mobile Media Corporation, 14 FCC Rcd 8017, 8027 (1999)]

United States Wireless Systems, Inc. - Request for deferment of the Fiscal Year 2002 regulatory fees for MDS stations **Granted** (May 15, 2003)

Woolstone Corporation - Request for waiver and deferment of the Fiscal Year 2002 regulatory fees for Channel 283A Aurora, NC **Denied** (May 15, 2003)

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE REVENUE AND RECEIVABLES OPERATIONS GROUP AT (202) 418-1995.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUL 14 2003

OFFICE OF
MANAGING DIRECTOR

Ms. Joy Bychurch
Callais Cablevision, LLC
Post Office Drawer 550
13944 West Main Street
Larose, LA 70373

Re: Request to Waive Late Fee
Fee Control No. 00000RROG-03-039

Dear Ms. Bychurch:

This is in response to your request for waiver of late fees or penalties associated with the fiscal year (FY) 2002 regulatory fees for Callais Cablevision (Callais). Our records reflect that your \$6,589.45 regulatory fee was received on October 30, 2002, but that we have not received the \$1,647.36 late payment penalty.

In your request, you state that you did not receive "the Form 159 packet" for processing your FY 2002 fees as you had in past years, but that you were able to download the forms and send in the payment of your regulatory fees. You request that the Commission waive the late fee due to not receiving the forms and having two hurricanes within one week that caused you to focus on trying to protect you property.

The Commission's rules are clear that licensees such as Callais are required to pay to the Commission an annual regulatory fee in a timely manner. *See* 47 C.F.R. §1.1157; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2002*, Report and Order, 17 FCC Rcd 13, 203 (2002) (2002 Report and Order); 47 U.S.C. §159. It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. *See* 47 C.F.R. § 1.1157. The Commission issued a public notice announcing the date on which the FY 2002 regulatory fees were due, specifically, September 25, 2002. *See* Public Notice, FY 2002 Cable Television System Regulatory Fees (Aug. 5, 2002). As a Commission licensee, Callais is charged with the responsibility to familiarize itself with the Commission's rules and requirements. Therefore, Callais' lack of familiarity with the Commission's rules governing and public notices concerning regulatory fee payments does not mitigate or excuse Callais' failure to pay its FY 2002 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances. *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970). Furthermore, the Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. 47 U.S.C. §159(c).

Ms. Joy Bychurch

2.

For the reasons discussed above, we deny your request to waive the late charge penalty for late payment of the fiscal year 2002 regulatory fee.

Payment of Callais' \$1,647.36 late payment penalty for FY 2002 regulatory fee is now due. It should be submitted, together with a FCC Form 159, within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a stylized flourish at the end.

Mark A. Reger
Chief Financial Officer

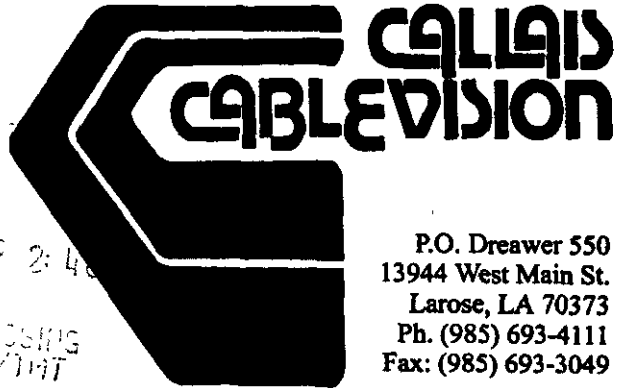
Enclosure:

FCC Form 159 Remittance Advice

Ms. Joy Bychurch
Callais Cablevision, LLC
Post Office. Drawer 550
13944 West Main Street
Larose, LA 70373

00000RR06-03-039

October 29, 2002



Office of the Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Attn: Regulatory Fee Waiver/Reduction Request

To Whom It May Concern:

Each year I would receive the Form 159 packet for processing. Somehow, this year I had not received the Form 159. I was able to download the forms and have sent in the payment for the regulatory fees.

I am asking your consideration to waive the late fee due to not receiving the forms and having 2 hurricanes come into our area within 1 week - where I was focusing on trying to protect our property.

I faithfully have been sending in payments each year in a timely manner. I hope you consider this request.

Thank you.


Joy Bychurch
Office Manager

RECEIVED NOV 06 2002